IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16674 of 2004

Between:

Bathula Vasantha, W/o. Korrapati Anjaneyulu,
Korrapativaripalem Village, Tallur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, (Civil Supplies) at Ongole.
2 P. Vasantha, W/o. Jagannadham, Korrapativaripalem Village,
Tallur Mandal, Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order more particularly one in the nature of mandamus or an appropriate writ or order declaring the proceedings Rc.NO. CS2/2881/2004, dt. 16-8-2004 issued by the 1st respondent, staying the appointment of the petitioner as temporary fair price shop dealer by Revenue Divisional Officer Kandukur, as illegal, arbitrary and unconstitutional and declare the same as void abinitio, null and void and nonest in the eye of law.

Counsel for the Petitioner: MR.I.KOTI REDDY

Counsel for Respondent No.1: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following Order:

This writ petition is filed challenging the order of the first respondent-Joint Collector, Prakasham District, (Civil Supplies), at Ongole, dated 16-08-2004.

As can be seen from the material on record, the petitioner was appointed as dealer of the Fair Price Shop of Korrapativaripalem Village, Tallur Mandal, Prakasham District by the Revenue Division Officer, Kandukur on temporary basis by proceedings dated 17-07-2004. Against the said order, one Smt.B.Vasantha, the second respondent herein, preferred appeal before the first respondent. The first respondent by order dated 16-08-2004, while calling for the records from the Revenue Divisional Officer, Kandukur, stayed the proceedings dated 17-07-2004. Aggrieved by the same, the present writ petition is filed.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the first respondent.

Since the order impugned is only an interim order and the main appeal is still pending before the first respondent, I am of the view that the interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not warranted. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending before him, as expeditiously as possible, preferably within a period of two weeks from the date of

receipt of this order, after giving notice to the petitioner.

The writ petition is accordingly disposed of. No costs.

25-10-2004

kdl

To

1 The Joint Collector, Prakasam District, (Civil Supplies) at Ongole.
2 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

3 Two C.D. Copies.